

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

MELINDA FISHER, SHANNON G. by and through her guardian, BRANDON R. by and through his guardian, MARTY M. by and through his guardian, MISTY M. by and through her guardian, and NEAL SIEGEL,

No. 17-cv-0208

**on behalf of themselves and all
others similarly situated,**

MOTION FOR EXTENSION OF TIME TO RESPOND

PLAINTIFFS,

VS.

KIM REYNOLDS, in her official capacity of)
Governor of Iowa; JERRY FOXHOVEN)
In his official capacity as Director of the)
Iowa Department of Human Services,)

DEFENDANTS.

The Defendants request an Extension of Time to respond to the pending motion for certification of class action, stating:

1. The Complaint was emailed to counsel on June 13, 2017, with a request to waive service.
2. An Amended Complaint was emailed to counsel on June 19, 2017.
3. The Defendants agree to waive service. Responses to the Complaint are due August 11, 2017, from the time the initial complaint was provided. Waivers will be filed shortly.
4. The Complaint and Amended Complaint are each lengthy documents at 56 pages. The Defendants are investigating the factual assertions and legal issues presented.

5. Typically, responses to motions are due within fourteen days. However, a substantive response on the fundamental issue of class certification is premature.
6. Defendants ask that the class certification question be held in abeyance, or that a continuance be granted, until a substantive response to the Amended Complaint is due – or no earlier than August 11.
7. Plaintiffs will not be harmed by this request. Individual Medicaid members retain their right to appeal any discrete notice of decision within the Medicaid program. Individuals retain the right to grieve other issues with the MCOS. Besides, because the claim is solely for injunctive relief and not monetary damages, class certification is unnecessary. Any relief ordered against the Defendants in their official capacity would be applicable to all Medicaid members.
8. The undersigned offers as a professional statement that she contacted counsel to seek an agreement on the request for continuance. Ms. Conlin responded that her office was in the middle of a move, and was anticipating filing a motion for injunction to revert to the Fee for Service program in place before the April, 2016 transition to managed care. Ms. Conlin did not no specifically agree or object to the request for continuance.
9. No previous extensions have been requested.

WHEREFORE, the undersigned seeks a continuance on the deadline to respond to the Class Certification Motion until no earlier than August 11, 2017.

THOMAS J. MILLER
Attorney General of Iowa

/s/ **Gretchen Witte Kraemer** AT0004358
gkraeme@dhs.state.ia.us
Special Assistant Attorney General
Hoover State Office Bldg, 2nd Floor
Des Moines, IA 50319
Tel.: (515) 281-8330
Fax: (515) 281-7219

I certify that the attached was filed via CM/ECF on June 27, 2017. /s/ Gretchen Kraemer

Service to:

Roxanne B. Conlin
roxlaw@aol.com
319 Seventh Street, Suite 600
Des Moines, Iowa 50309

Jane Hudson
jhudson@driowa.org
Cynthia Miller
cmiller@driowa.org
400 East Court Avenue, Suite 300
Des Moines, Iowa 50312

Elizabeth Edwards
Edwards@healthlaw.org
Abigail Coursolle
Coursolle@healthlaw.org
200 N. Greensboro St, Suite D-13
Carrboro, North Carolina 27510